

RESOLUTION NO. 846-2022, ADOPTING LOCAL LAW NO. 40-2022, A LOCAL LAW TO AMEND CHAPTER 647 OF THE SUFFOLK COUNTY CODE TO REQUIRE PESTICIDE APPLICATION NOTICE SIGNS AND MARKERS TO BE PRINTED IN BOTH ENGLISH AND SPANISH

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 7, 2022, a proposed local law entitled, "**A LOCAL LAW TO AMEND CHAPTER 647 OF THE SUFFOLK COUNTY CODE TO REQUIRE PESTICIDE APPLICATION NOTICE SIGNS AND MARKERS TO BE PRINTED IN BOTH ENGLISH AND SPANISH**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 40-2022, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND CHAPTER 647 OF THE SUFFOLK COUNTY CODE TO REQUIRE PESTICIDE APPLICATION NOTICE SIGNS AND MARKERS TO BE PRINTED IN BOTH ENGLISH AND SPANISH

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds that in 2001 New York State adopted the "Neighborhood Notification Law" which among other things, required prior notification of certain spray pesticides.

This Legislature also finds and determines that Suffolk County in 2001 adopted the "Neighborhood Notification Law" in its entirety providing for all of the special requirements for commercial and residential lawn applications established by the State of New York, including a requirement for prior notification of certain spray pesticide applications by commercial lawn applicators.

This Legislature further finds that New York State recently amended the "Neighborhood Notification Law" to require, among other things, that prior notification notices be printed in English and Spanish.

This Legislature further finds and determines that based on the aforementioned amendments it is now necessary to amend Chapter 647 of the Suffolk County Code.

Therefore, the purpose of this law is to amend Chapter 647 of the Suffolk County Code to be in compliance with the recent amendments to the "Neighborhood Notification Law".

Section 2. Amendments.

Part II: Regulatory Local Laws, Chapter 647 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 647 PEST CONTROL

ARTICLE II NOTIFICATION OF PESTICIDE APPLICATION

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§ 647-10. Signs; notice requirements.

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- C. At least 48 hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice printed in both the English and Spanish languages, and any other languages if the Commissioner of the Department of Environmental Conservation deems it necessary, as defined in Subsection D of this section, to occupants of all dwellings on abutting property with a boundary that is within 150 feet of the site of such application; and to owners, owners' agents or other persons in a position of authority for all other types of premises that are abutting property with a boundary that is within 150 feet of the site of such application. Owners or owners' agents of multiple-family dwellings of the property site of such application shall supply such written notice to the occupants of such multiple-family dwellings, and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner of the New York State Department of Environmental Conservation. The prior notification provisions of this subsection shall not apply to the following:

* * * *

- D. The content and form of such notification shall be in accordance with the requirements established by the Commissioner of the New York State Department of Environmental Conservation and be printed in both the English and Spanish languages, and any other languages if the Commissioner of the Department of Environmental Conservation deems it necessary and shall consist of at least the following:

* * * *

- (5) A statement in English and thereafter in Spanish which reads: "This notice is to inform you of a pending application to neighboring property. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticides Telecommunications Network at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health Info line at 1-800-458-

1158.” (Spanish Translation) “Este aviso es para informarle de una solicitud pendiente a la propiedad vecina. Es posible que desee tomar precauciones para minimizar su exposición a pesticidas, para usted, miembros de su familia, mascotas o posesiones familiares. Más información sobre el producto o el producto que se está aplicando, incluidas las advertencias que aparecen en el producto o los productos que se aplican, incluidas las advertencias que aparecen en las etiquetas de dicho pesticida o pesticidas sean pertinentes para la protección de humanos, animales o el medio ambiente, se pueden obtener llamando a la Oficina Nacional de Telecomunicaciones de Pesticidas a 1-800-858-7378 o el Centro de Información sobre Salud Ambiental del Departamento de Salud del Estado de Nueva York a 1-800-458-1158.”

§ 647-11. Markers.

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- A. The markers required pursuant to this section shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least 24 hours. Such instruction shall be printed boldly in letters at least 3/8 of an inch in height and be printed in both the English and Spanish languages and any other languages, if the Commissioner of the Department of Environmental Conservation deems it necessary.

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§ 647-15. When effective; filing with state.

- A. This article shall take effect on the first day of the first January immediately succeeding the filing of this article with the New York Secretary of State.
- B. Within 20 days after adoption of this article, the Clerk of the County Legislature shall forward one certified copy hereof to the Commissioner of the New York State Department of Environmental Conservation and one certified copy to the New York State Attorney General.
- C. Amendments to the Neighbor Notification Law are further required to be reported after their effective date the New York State Department of Environmental Conservation, (“NYSDEC”), Bureau of Pesticides Management, Pesticide Enforcement & Compliance Assurance Section, 625 Broadway, Albany, NY 12233-7254.

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Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: November 22, 2022

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 7, 2022

After a public hearing duly held on December 7, 2022
Filed with the Secretary of State on December 21, 2022